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FILED

2008 APR 30 PM 3:09

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RM DEPUTY

NEHEMIAH ROBINSON J-71342
CALIPATRIA STATE PRISON (A-5-148)
P.O. BOX 5004
CALIPATRIA, CA. 92233

NUNC PRO TUNC
APR 28 2008

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON, CDC # J-71342 PLAINTIFF, VS. T. CATLETT, SERGEANT; GARRETT, CORRECTIONAL OFFICER; M. ARVIZU, CORRECTIONAL OFFICER; W.J. PRICE, FACILITY CAPTAIN; M.E. BOURLAND, CHIEF DEPUTY WARDEN; DIRECTOR/SECRETARY OF THE CALIFORNIA DEPT. OF CORRECTIONS & REHABILITATION; R. JOHNSON, LIEUTENANT; T. OCHOA CHIEF DEPUTY WARDEN; WHIDMAN, CORRECTIONAL OFFICER; R. NELSON, LIEUTENANT; G.J. JANDA, ASSOC. WARDEN; D. NORIEGA, L.V.N.; J.M. SALGADO, R.N.; M. CORREA, SUPERVISING R.N. II; K. BALL, CHIEF PHYSICIAN/SURGEON; V. O'SHAUGHNESSY, APPEAL EXAMINER, DEFENDANTS.	CASE NO. 3:08-CV-00161-H-BLM REQUEST FOR REASSIGNMENT UNDER CIVIL LOCAL RULE 72.3, DEMAND FOR JURY TRIAL, WITH ATTACHED AMENDED PAGE 7. OF §1983 SD FORM (REV 2/05)

RECEIVED
APR 28 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

TO THE HONORABLE COURT AND DEFENDANTS.

NEHEMIAH ROBINSON ("PLAINTIFF"), A PRISONER CURRENTLY INCARCERATED AT CALIPATRIA STATE PRISON, IN CALIFORNIA ("CAL"), AND PROCEEDING PRO SE,

08CV0161

CR

HAS FILED A CIVIL RIGHTS COMPLAINT PURSUANT TO U.S.C. § 1983. PLAINTIFF ASSERT THAT HE IS A LAYMAN OF THE LAW, VERY UNSKILLED, WITH LIMITED RESOURCES. PLAINTIFF ASSERT THAT HE MADE A MISTAKE WHEN HE REQUESTED THAT A DISTRICT JUDGE BE DESIGNATED TO DECIDE DISPOSITIVE MATTERS AND TRIAL IN THIS CASE. TO INSURE THE JUST, SPEEDY AND INEXPENSIVE DETERMINATION OF SECTION 1983, PLAINTIFF REQUEST AT THIS TIME THAT THE COURT RE-ASSIGN HIS CASE TO A MAGISTRATE JUDGE. THUS, PLAINTIFF CONSENTS TO MAGISTRATE JUDGE JURISDICTION AND HAVE ATTACHED THE NECESSARY DOCUMENTATION TO WIT, PAGE 7. OF § 1983 SD FORM (REV 2/05), COMPLETED.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON APRIL 3, 2008, HERE AT CALIPATRIA STATE PRISON IN CALIFORNIA.

SIGNATURE [signature]
NEHEMIAH ROBINSON J-71342
PRO SE.

08cv0161

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): PLEASE SEE PARAGRAPHS: 15, 25, 35, AND 48, OF THE COMPLAINT.

2. Damages in the sum of $ PLEASE SEE PARAGRAPHS: 15, 25, 35, AND 48 OF THE COMPLAINT

3. Punitive damages in the sum of $ ________.

4. Other: ________.

F. Demand for Jury Trial

Plaintiff demands a trial by ☑ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☑ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

4-3-08.
Date

Mr. Nehemiah Robinson [signature]
Signature of Plaintiff

08 CV 0161

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, NEHEMIAH ROBINSON, J-71342. DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE PLAINTIFF IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 7TH DAY OF: APRIL 2008 AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE) Mr. N. Rob[signature]
(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, NEHEMIAH ROBINSON, J-71342 AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002. CALIPATRIA, CALIFORNIA #92233-5002.

ON APRIL 7, 2008 I SERVED THE FOREGOING: ORIGINAL / COPY OF REQUEST FOR REASSIGNMENT UNDER CIVIL LOCAL RULE 72.3, DEMAND FOR JURY TRIAL, WITH ATTACHED AMENDED PAGE 7. OF §1983 SD FORM (REV 2/05); PLUS AN EXTRA COPY REQUESTING THE CLERK TO RETURN A CONFORMED COPY BY U.S. MAIL, WITH SELF ADDRESSED ENV. BEARING SUFFICIENT POSTAGE.
(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
880 FRONT STREET, SUITE 4290
SAN DIEGO, CALIFORNIA 92101-8900

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: APRIL 7, 2008.

Mr. N. Rob[signature]
(DECLARANT/PRISONER)

08cv0161